

The resolution was read.

On motion of Senator Mauzy, and by unanimous consent, the resolution was considered immediately and was adopted.

**Co-Author of
Senate Concurrent Resolution 80**

On motion of Senator Blanchard, and by unanimous consent, he will be shown as Co-author of S. C. R. No. 80.

Memorial Resolutions

S. R. No. 998—By Senator Watson: Memorial resolution for J. M. Tilton.

S. R. No. 999—By Senator Watson: Memorial resolution for Elmer Mundine.

S. R. No. 1000—By Senator Watson: Memorial resolution for Richard Rodgers.

S. R. No. 1001—By Senator Watson: Memorial resolution for Mrs. Lillie Mae Moore.

S. R. No. 1002—By Senator Watson: Memorial resolution for James Olian Perry.

S. R. No. 1003—By Senator Watson: Memorial resolution for Mrs. Pinksey Crunk.

**Welcome and Congratulatory
Resolutions**

H. C. R. No. 112—Extending congratulations to The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston on its 30th anniversary.

H. C. R. No. 113—Extending congratulations to Charles Russell McNamee.

S. R. No. 990—By Senator Herring: Extending welcome to teacher and sixth grade students, St. Paul's Lutheran School.

S. R. No. 991—By Senator Kothmann: Extending welcome to teacher and students, fifth grade class, Herman Hirsch Elementary School, San Antonio.

S. R. No. 992—By Senator Brooks: Designating Kathryn Elaine Knippel as honorary page.

S. R. No. 993—By Senator Watson: Extending welcome to teachers and students, fifth grade class, Moody Elementary School of Moody.

S. R. No. 994—By Senator Watson: Extending welcome to teachers and students from Creative Civics Class, Killeen High School.

S. R. No. 995—By Senator Herring: Extending welcome to teacher and third grade class from Reilly Elementary School, Austin.

S. R. No. 996—By Senator Hall: Extending congratulations to Mrs. Al Lien, Texas Mother of 1971.

S. R. No. 997—By Senator Hall: Extending welcome to Denton National Honor Society and their sponsors.

S. R. No. 1005—By Senator Hightower: Extending welcome to Cadette Troop 50, Girl Scouts of Wichita Falls.

Adjournment

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 19, 1971

S. B. No. 909

S. C. R. No. 79

FIFTY-SEVENTH DAY

(Tuesday, April 20, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower

Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson
Patman	Word
Ratliff	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Hightower submitted the following report for the Committee on Youth Affairs:

S. B. No. 149 (Amended).

Senator Moore submitted the following reports for the Committee on State Affairs:

S. B. No. 41.

S. B. No. 910.

H. B. No. 266.

S. B. No. 557 (Amended).

S. B. No. 709 (Amended).

S. B. No. 489.

S. C. R. No. 5.

C. S. S. B. No. 171 (Read first time).

Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

S. B. No. 647.

Senator Kennard submitted the following reports for the Committee on Public Health:

S. B. No. 842 (Amended).

C. S. S. B. No. 365 (Read first time).

Message From the House

Hall of the House of Representatives

Austin, Texas,
April 20, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 97, A bill to be entitled "An Act relating to the planting and raising of pecan trees on highway rights-of-way; and declaring an emergency."

H. B. No. 186, A bill to be entitled "An Act prohibiting any person or persons on school property or on public property within five hundred feet of school property from willfully disrupting school classes or other school activities, prescribing a penalty for violation, defining certain terms, making this Act cumulative of existing laws, and declaring an emergency."

H. B. No. 242, A bill to be entitled "An Act relating to additional compensation for the district judge of the 75th Judicial District; providing for pro rata distribution of the additional compensation between the counties comprising the district; repealing Chapter 75, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6819a-13, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 322, A bill to be entitled "An Act relating to permits issued by the Texas Air Control Board for construction, modification, expansion, or additions to industrial plants and facilities; amending Subchapter C, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), to add a new Section 3.28; and declaring an emergency."

H. B. No. 369, A bill to be entitled "An Act authorizing the Board of Regents of East Texas State University to sell and convey certain lands to be used for the site of a motel in consideration of a sum agreeable to the board; specifying that the conveyance shall contain certain conditions, restrictions, and right of reverter; providing that the proceeds from the sale shall be part of the funds of East Texas State University for the purchase of additional land and appropriating the proceeds for that purpose; and declaring an emergency."

S. B. No. 346, A bill to be entitled "An Act providing for the legal sale of mixed beverages on a local option basis; providing for the regulation of the sale and service of certain alcoho-

lic beverages; providing penalties; etc.; and declaring an emergency."

(With amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

Senator Schwartz moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bills were then introduced, read first time and referred to the Committee indicated:

By Senator Word:

S. B. No. 931, A bill to be entitled "An act relating to the creation, powers, and duties of the Texas Rural Industrial Development Authority to administer a program providing for the establishment of industrial development projects in rural areas; and declaring an emergency."

To Committee on State Affairs.

By Senator Schwartz:

S. B. No. 932, A bill to be entitled "An act relating to the incorporation, organization, and regulation of cooperative associations; providing penalties; providing for severability; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Schwartz, Wallace, Bates, Bridges, Mauzy and Harrington:

S. B. No. 933, A bill to be entitled "An act prohibiting the issuance of

licenses or permits to sell or serve alcoholic beverages if establishment is located on a public beach; amending Article II, Texas Liquor Control Act, as amended (Article 667-1 et seq., Vernon's Texas Penal Code), by adding a Section 4b; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Bridges:

S. B. No. 934, A bill to be entitled "An act amending Chapter 283, Section 5, Acts of the 40th Legislature, Regular Session, 1927 (Article 1011e, Vernon's Texas Civil Statutes), to set forth the procedure by which such zoning regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed; and declaring an emergency."

To Committee on County, District and Urban Affairs.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 16, To Committee on Jurisprudence.

H. B. No. 214, To Committee on Education.

H. B. No. 287, To Committee on County, District and Urban Affairs.

H. B. No. 292, To Committee on County, District and Urban Affairs.

H. B. No. 352, To Committee on County, District and Urban Affairs.

H. B. No. 306, To Committee on County, District and Urban Affairs.

H. B. No. 387, To Committee on County, District and Urban Affairs.

H. B. No. 438, To Committee on County, District and Urban Affairs.

H. B. No. 445, To Committee on County, District and Urban Affairs.

H. B. No. 446, To Committee on County, District and Urban Affairs.

H. B. No. 449, To Committee on County, District and Urban Affairs.

H. B. No. 451, To Committee on County, District and Urban Affairs.

H. B. No. 468, To Committee on Education.

H. B. No. 479, To Committee on Water and Conservation.

H. B. No. 480, To Committee on Water and Conservation.

H. B. No. 481, To Committee on Water and Conservation.

H. B. No. 505, To Committee on County, District and Urban Affairs.

H. B. No. 508, To Committee on County, District and Urban Affairs.

H. B. No. 556, To Committee on Jurisprudence.

H. B. No. 564, To Committee on Water and Conservation.

H. B. No. 572, To Committee on County, District and Urban Affairs.

H. B. No. 592, To Committee on County, District and Urban Affairs.

H. B. No. 615, To Committee on Military and Veterans Affairs.

H. B. No. 625, To Committee on County, District and Urban Affairs.

H. B. No. 635, To Committee on County, District and Urban Affairs.

H. B. No. 637, To Committee on State Affairs.

H. B. No. 667, To Committee on County, District and Urban Affairs.

H. B. No. 676, To Committee on Parks and Wildlife.

H. B. No. 691, To Committee on County, District and Urban Affairs.

H. B. No. 692, To Committee on County, District and Urban Affairs.

H. B. No. 729, To Committee on Parks and Wildlife.

H. B. No. 738, To Committee on Parks and Wildlife.

H. B. No. 752, To Committee on State Affairs.

H. B. No. 785, To Committee on County, District and Urban Affairs.

H. B. No. 797, To Committee on State Departments and Institutions.

H. B. No. 837, To Committee on County, District and Urban Affairs.

H. B. No. 900, To Committee on Transportation.

H. B. No. 936, To Committee on Transportation.

H. B. No. 948, To Committee on Parks and Wildlife.

H. B. No. 1123, To Committee on Parks and Wildlife.

H. B. No. 1125, To Committee on Parks and Wildlife.

H. B. No. 1156, To Committee on Parks and Wildlife.

H. B. No. 1162, To Committee on County, District and Urban Affairs.

H. B. No. 1175, To Committee on County, District and Urban Affairs.

H. B. No. 1295, To Committee on Education.

H. B. No. 1296, To Committee on Education.

H. B. No. 1323, To Committee on Education.

H. B. No. 1610, To Committee on Education.

H. C. R. No. 61, To Committee on Environment.

H. C. R. No. 67, To Committee on State Affairs.

Senate Concurrent Resolution 81

Senator Schwartz offered the following resolution:

S. C. R. No. 81, Authorizing Senate Enrolling and Engrossing Clerk to make certain corrections in S. B. No. 31.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

(President in Chair.)

Senate Concurrent Resolution 82

Senator Mauzy offered the following resolution:

S. C. R. No. 82, Granting M. C. Winters, Inc., permission to sue the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 83

Senator Mauzy offered the following resolution:

S. C. R. No. 83, Granting Tom I. McFarling for Old National Insurance Company permission to join in any suit he may file for title to and/or possession of any securities on deposit with the State Treasurer.

The resolution was read and was referred to the Committee on Insurance.

Senate Concurrent Resolution 84

Senator Aikin offered the following resolution:

S. C. R. No. 84, Inviting Prime Minister James Harold Wilson to address a Joint Session of the Legislature at 11:00 a.m., Monday, May 3, 1971.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

Conference Committee Report on House Bill 113

Senator Wallace submitted the following Conference Committee Report on H. B. No. 113:

Austin, Texas,
April 19, 1971.

The Honorable Ben Barnes, President of the Senate.

The Honorable G. F. "Gus" Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill 113, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

NICHOLS
HALE
HENDRICKS
JONES
BLANTON

On the part of the House.

WALLACE
JORDAN
MAUZY

**HERRING
KENNARD**

On the part of the Senate.

The Conference Committee Report was read and adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 676.

S. B. No. 387.

S. B. No. 50.

S. B. No. 97.

S. J. R. No. 20.

H. C. R. No. 112.

H. C. R. No. 113.

**Senate Bill 49 With
House Amendments**

Senator Connally called S. B. No. 49 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 49 by striking the phrase "less than \$8,600 per annum, nor," in the quoted Section 1 appearing in Section 1 of the bill.

Committee Amendment No. 2

Amend Senate Bill No. 49 by striking the words "minimum and" which appear in the caption of the bill.

The House amendments were read.

Senator Connally moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Joint Resolution 31 on
Second Reading**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 31, Proposing an amendment to Section 13, Article V, Constitution of the State of Texas, to provide that the Legislature may not change the rule requiring unanimous jury verdicts in criminal cases.

The resolution was read second time and passed to engrossment.

Record of Votes

Senators Moore, Snelson, Patman and Aikin asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

Senate Joint Resolution 31 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 31 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Wallace
Hall	Watson
Harrington	Wilson
Harris	Word
Herring	

Nays—4

Aikin	Patman
Moore	Snelson

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Bates	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover
Bridges	Hall
Brooks	Harrington

Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

Nays—4

Aikin	Patman
Moore	Snelson

Senate Joint Resolution 4 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 4, Proposing an amendment to Article I of the Constitution of the State of Texas, providing for the denial of bail by a magistrate to any person accused of a felony and found by the court to be free on bail for a felony when charged with a second felony, etc.

The resolution was read second time.

Senator Brooks offered the following Committee Amendment to the resolution:

Amend S. J. R. No. 4 by deleting Subsection (d) of Section 1.

The Committee Amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the resolution:

Amend S. J. R. No. 4 by substituting 60 days for 90 days between the words "Within" and "from" of Section 2 on line 35 of the printed bill.

The Committee Amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the resolution:

Amend S. J. R. No. 4 by changing the year "1971" on line 44 of the printed bill to "1972" of Sec. 2.

The Committee Amendment was read and was adopted.

Senator Bates offered the following amendment to the resolution:

Amend S. J. R. No. 4 by removing the semicolon on line 32 after the word "bail" and inserting a comma and adding the following:

"provided, however, that if the accused has been free on bail in the primary case for more than two years while awaiting trial, the provisions of this Act shall not apply,"

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

Senate Joint Resolution 4 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31

Aikin	Bates
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Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Senate Resolution 1018

Senator Herring offered the following resolution:

Whereas, April 20 marks the birthday of one of our most distinguished colleagues, Senator David Ratliff; and

Whereas, Senator Ratliff was born in Decatur, Wise County, Texas, fifty-nine years ago; he attended Cisco Junior College, Austin College and North Texas State University; and

Whereas, Prior to serving in the Senate since 1954, he served during the years from 1950 to 1954 in the House of Representatives; and

Whereas, He and his charming and gracious wife, Priscilla, are the proud parents of David, Lynnora, Jane and John Ratliff; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature take this opportunity to express our high regard for Senator David Ratliff, and to wish him a happy birthday and many more to come.

HERRING

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted.

(President Pro Tempore in Chair.)

Senate Bill 916 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 916, A bill to be entitled "An Act relating to establishing and maintaining of a county law library in certain counties; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 916 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 916 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Creighton

Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

Committee Substitute Senate Bill 513 on Second Reading

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 513, A bill to be entitled "An Act relating to discharge of municipal sewage which does not meet certain standards into open ponds whose surface area covers more than one acre; providing for damages; requiring construction of water waste treatment facilities; providing a penalty; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 513 on Third Reading

Senator Kothmann moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 513 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 838 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 838, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns; etc., and declaring an emergency.

The bill was read second time and passed to engrossment.

Senate Bill 838 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 838 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Bates
-------	-------

Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Senate Bill 623 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 623, A bill to be entitled "An Act relating to the creation and operation of the Texas Racing Commission to regulate and license public horse races in this State; providing penalties; repealing laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend S. B. 623, Sec. 3 (2) to read as follows:

(2) "Commission" means the Texas Sports Horse Commission.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend S. B. 623 by deleting Sec. 2 and inserting in lieu thereof the following:

"Sec 2. Short Title. This act shall be known as the Sports Horse Regulatory Act of Texas."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend S. B. 623 the words "Texas Racing Commission" to "Texas Sports Horse Commission" wherever they appear in the bill.

The amendment was read and was adopted.

On motion of Senator Bates and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hall, Beckworth, Wilson, Wallace, Sherman, Hightower, Aikin, Harris, Moore, Grover and Watson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 445 on Second Reading

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 445, A bill to be entitled "An Act relating to intentional infliction of injury on a child; providing penalties; amending Article 1147, Penal Code of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 445 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 445 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace

Watson
Wilson

Word

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 81 on Second Reading

On motion of Senator Jordan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 81, A bill to be entitled "An Act relating to the requirement that contracting agencies of the State of Texas, any county, city, town, school district, water district, hospital district, or other political subdivision of the state shall include non-discrimination provisions by reason of race, color, religion, sex, or national origin in all directly or indirectly publicly funded contracts for supplies, materials, services or equipment; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 81 on Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Nays—2

Grover	Moore
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—5

Aikin	Moore
Creighton	Ratliff
Grover	

Senate Bill 359 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 359, A bill to be entitled "An Act amending Statutes; relating to definition of any interested owner authorized to invoke provisions of Article 6008c and to apply for the pooling of mineral and royalty interests in oil or gas reservoirs, said definition to include any interested royalty or working interest owner in the effective acreage to be pooled; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 359 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Beckworth
Bates	Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Christie	Patman
Brooks	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1175.

H. B. No. 445.

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 1125.

H. B. No. 1123.

H. B. No. 1156.

House Bill 1175 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1175 was ordered not printed.

House Bill 1156 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1156 was ordered not printed.

House Bill 1123 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1123 was ordered not printed.

House Bill 1125 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1125 was ordered not printed.

House Bill 445 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 445 was ordered not printed.

**Senate Bill 22 Laid on Table
Subject to Call**

On motion of Senator Blanchard and by unanimous consent, S. B. No. 22 was Laid on Table Subject to Call.

Senate Bill 564 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 564, A bill to be entitled "An Act expressing intent to promote utilization of public and private lands by management of the recreational and wildlife resources and authorizing liberal construction; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 564 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 564 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Beckworth
Bates	Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Bill 566 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 566, A bill to be entitled "An Act authorizing the Parks and Wildlife Commission to set a fee for species of fish supplied to or placed in private lakes; authorizing the Commission to consider propagation, transportation and size in setting fee; and declaring an emergency."

The bill was read second time.

Senator Harrington offered the following amendment to the bill:

S. B. 566 is amended by striking the period following the word "prop-

erty" on line 4 of Section 1 and inserting in its place a comma, and adding the following:

"except that no species of fish may be sold by the Parks and Wildlife Department to any person engaged in selling or supplying any specie of fish to any commercial wholesale or retail outlet."

The amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 566 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 566 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Brooks
Bates	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover
Bridges	Hall

Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	Word
Moore	

Senate Bill 567 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 567, A bill to be entitled "An Act providing for increased penalties for second and third violations of the same statute or article in Title 13, Chapter 6 (Article 871 through 978n-2, Vernon's Texas Penal Code), generally known as the 'game laws,' during any five (5) year period, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 567 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Christie	Patman
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Watson
Harrington	Wilson
Harris	Word
Hightower	

Nays—6

Blanchard	Moore
Brooks	Ratliff
Herring	Wallace

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Herring, Brooks, Ratliff, Moore, Wallace, Blanchard, McKool, Grover, Connally and Bridges asked to be recorded as voting "Nay" on the final passage of the bill.

Senate Bill 908 Re-Referred

On motion of Senator Jordan and by unanimous consent, S. B. No. 908 was withdrawn from the Committee on State Affairs and re-referred to the Committee on County, District and Urban Affairs.

Senate Bill 921 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 921, A bill to be entitled "An Act to amend S. B. 31, enacted by the Regular Session of the 62nd Legislature; providing for said S. B. 31 to be codified as Article 21.49 of the Texas Insurance Code; declaring that said S. B. 31 does not apply to farm mutual insurance companies, as defined in Article 16.01 of the Insurance Code; declaring that said S. B. 31 does not apply to any existing company chartered under old Chapter 12, Title 78, Revised Civil Statutes of 1925, repealed by Acts, 1929, 41st Legislature, 1st Called Session, page 90, Chapter 40; and declaring an emergency."

The bill was read second time and passed to engrossment.

(President in Chair.)

Senate Bill 921 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 921 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Bill 346 With House Amendments

Senator Christie called S. B. No. 346 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 346 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1, Section 3, Article I, Texas Liquor Control Act, as amended (Ar-

ticle 666-3, Vernon's Texas Penal Code) is amended to read as follows:

"Section 3. It shall be unlawful for any person to whom a Wine and Beer Retailer's Permit or Beer Retailer's License has been issued or any officer, agent, servant, or employee thereof to have in his possession on the licensed premises, any distilled spirits or any liquor containing alcohol in excess of fourteen (14%) per centum by volume."

Sec. 2. Section 3-a, Article I, Texas Liquor Control Act, as amended (Article 666-3a, Vernon's Texas Penal Code), is amended by adding a new Subsection (15), to read as follows:

"(15) 'Mixed Beverage' means one or more servings of a beverage composed in whole or in part of any alcoholic beverage in sealed or unsealed containers of any legal size for consumption on the premises where served or sold by the holder of a Mixed Beverage Permit, the holder of a Daily Temporary Mixed Beverage Permit, the holder of a Caterer's Permit, the holder of a Mixed Beverage Late Hours Permit, the holder of a Private Club Registration Permit, or the holder of a Private Club Late Hours Permit."

Sec. 3. Section 10, Article I, Texas Liquor Control Act, as amended (Article 666-10, Vernon's Texas Penal Code), is amended to read as follows:

"Section 10. Every applicant for a Pharmacist's Medicinal, Brewer's Distiller's, Mixed Beverage, Winery (except Class B Winery), Wholesaler's, Class B Wholesaler's, Wine Bottler's, or Package Store Permit under this Act shall give notice of such application by publication for two (2) consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. Provided, however, that in such instances where no newspaper is published in the city or town, then the same shall be published in a newspaper of general circulation published in the county where the applicant's business is located, and if no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. Such notice shall be printed in ten (10) point black face type and

shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. This section does not apply to an applicant for either a Daily Temporary Mixed Beverage Permit or a Caterer's Permit."

Sec. 4. Section 11, Article I, Texas Liquor Control Act, as amended (Article 666-11, Vernon's Texas Penal Code), is amended to read as follows:

"Section 11. The Commission or Administrator may refuse to issue a permit, either on an original application or a renewal application, to any applicant either with or without a hearing if it has reasonable grounds to believe and finds any of the following to be true:

"(1) That the applicant has been convicted in a court of competent jurisdiction for the violation of any provision of this Act during the two (2) years next preceding the filing of his application, or that two (2) years has not elapsed since the termination of any sentence, by pardon or otherwise, imposed upon the applicant upon conviction for a felony.

"(2) That the applicant has violated or caused to be violated, during the six (6) months period immediately preceding the date of his application, any provision of this Act or any rule or regulation of the Commission which involves a question of moral turpitude as distinguished from a technical violation of the Act or any rule or regulation.

"(3) That the applicant has failed to answer or has falsely answered or has incorrectly answered any of the questions in his original application or any renewal application.

"(4) That the applicant is indebted to the State for any taxes, fees, or payment of penalties imposed by this Act or by any rule or regulation of the Commission.

"(5) That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad, or that he is under twenty-one (21) years of age.

"(6) That the place or manner in which the applicant may conduct his business is of such a nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants a refusal of a permit.

"(7) That the applicant is in the habit of using alcoholic beverages to excess, or is physically or mentally incapacitated.

"(8) That the Commission or Administrator believes or has reason to believe that the applicant will sell or knowingly permit any agent, servant, or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law.

"(9) That the applicant, except an applicant for a permit created by this Act authorizing the holder thereof to sell mixed beverages, has any financial interest in any permit or license authorizing the holder thereof to sell beer at retail other than is authorized in Section 23(a)(5) or Section 17(1) of Article I of the Texas Liquor Control Act.

"(10) That the applicant, except an applicant for a permit created by this Act authorizing the holder thereof to sell mixed beverages, is residually domiciled with any person who has any financial interest in any permit or license authorizing the holder thereof to sell beer at retail other than as authorized in Section 23(a)(5) or Section 17(1) of Article I of the Texas Liquor Control Act.

"(11) That the applicant is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application, provided, however, that this Section 11 shall not apply to any person who has been issued a permit or renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States.

"(12) That the applicant does not have available an adequate building at the address for which the permit is sought.

"(13) That the applicant is residually domiciled with any person whose permit or license has been cancelled for cause within the twelve (12) months next preceding the date of the present application for a permit.

"(14) That the applicant has failed or refused to furnish a true copy of

his application to the Alcoholic Beverage Commission District Office in the district in which the premises sought to be covered by a permit are located.

"(14a) That an applicant for a Mixed Beverage Permit, directly or indirectly, or through a subsidiary, affiliate, agent, or employee, or through an officer, director, or firm member, owns any interest of any kind in the premises, business, or permit of a package store, except as permitted in Subsection (5), Section 23(a), of this Article.

"(14b) That an applicant for a Package Store Permit, directly or indirectly, or through a subsidiary, affiliate, agent, or employee, or through an officer, director, or firm member, owns any interest of any kind in the premises, business, or permit of a mixed beverage establishment, except as permitted in Subsection (5), Section 23(a), of this Article.

"(15) The Commission or Administrator shall be vested with discretionary authority to refuse or grant such permits under the restrictions of this Section, as well as under any other pertinent provision of this Act.

"(16) When the word 'applicant' is used in Subsections (1) through (14b) of this Section, it shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application, except as permitted in Section 23(a)(5) and Section 17(1) of Article I of the Texas Liquor Control Act.

There may be sufficient legal reason to deny a permit if there is found that during the six (6) months immediately preceding the date of application the premise for which the permit is sought has been operated, used or frequented for any purpose or in any manner that is lewd, immoral, or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, as provided in Article I, of the Texas Liquor Control Act, the Commission or Administrator in forming his conclusions may give consideration to any recommendations made in writing by the District or County Attorney or County Judge or Commissioners Court of the county or

the Sheriff of the county, or the Mayor or Chief of Police of any incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the Commission."

Sec. 5. Article I, Texas Liquor Control Act, as amended (Article 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 11-a, to read as follows:

"Section 11-a. In addition to the information required of applicants for permits under this Article, the applicant for a Mixed Beverage Permit must file with his original or renewal application a sworn statement in a form prescribed by the Commission or Administrator containing the following information:

"(1) The name and residential address of the lessor of the premises;

"(2) The name and address of the lessee of the premises;

"(3) The amount of monthly rental on the premises and the date of expiration of the lease;

"(4) Whether the lease or rental agreement includes furniture and fixtures;

"(5) Whether the business is to be operated under a franchise and if so the name and address of the franchisor;

"(6) The name and address of the accountant of the business;

"(7) A list of all bank accounts, including account numbers, used in connection with the business; and

"(8) Any information required by the Commission or Administrator relevant to the determination of all persons having a financial interest of any kind in the granting of a Mixed Beverage Permit."

Sec. 6. Section 12, Article I, Texas Liquor Control Act, as amended (Article 666-12, Vernon's Texas Penal Code), is amended to read as follows:

"Section 12. The Commission or Administrator may cancel or may suspend for a period of time not exceeding sixty (60) days, after notice and hearing, any permit or any renewal of such permit if it is found that any of the following is true:

"(1) That the permittee has at any time been convicted for a violation of any provision of this Act.

"(2) That the permittee has violated any provision of this Act or any rule or regulation of the Commission at any time.

"(3) That the permittee has made any false or misleading statement in connection with his application or renewal application, either in the formal application itself or in any other instrument in writing submitted to the Commission, its officers or its employees, relating to such application or renewal application.

"(4) That the permittee is indebted to the State for any taxes, fees, or payment of penalties imposed by this Act or by any rule or regulation of the Commission.

"(5) That the permittee is not of good moral character, or that his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad.

"(6) That the place or manner in which the permittee conducts his business is of such a nature which, based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency, warrants the cancellation or suspension of the permit.

"(7) That the permittee is not maintaining an acceptable bond.

"(8) That the permittee, his agent, servant, or employee, maintains a noisy, lewd, disorderly or unsanitary establishment or has been supplying impure or otherwise deleterious beverages.

"(9) That the permittee is insolvent or mentally or physically unable to carry on the management of his establishment.

"(10) That the permittee is in the habit of using alcoholic beverages to excess.

"(11) That either the permittee, his agent, servant, or employee knowingly misrepresented to a customer or the public any liquor sold by him.

"(12) That the permittee, his agent, servant, or employee was intoxicated on the licensed premises.

"(13) That the permittee, his agent, servant, or employee sold or delivered alcoholic beverages to any intoxicated person.

"(14) That the permittee, his agent, servant, or employee possessed on the premises covered by his permit any alcoholic beverage that he was not authorized by his permit to purchase and sell.

"(15) That any Package Store or Wine Only Package Store permittee, his agent, servant, or employee transported, caused to be transported, shipped or caused to be shipped liquor into a dry state, or into any dry area within this State.

"(16) That the permittee, his agent, servant, or employee sold or delivered any liquor on Sunday, except as permitted by Section 25, Article I, of this Act.

"(17) That the permittee, his agent, servant, or employee knowingly sold or delivered liquor to any person under the age of twenty-one (21) years.

"(18) That the permittee, his agent, servant, or employee sold or delivered any liquor in violation of Section 25, Article I, of this Act.

"(19) That the permittee, his agent, servant, or employee employed any person to sell, handle, transport, or dispense, or to assist in selling, handling, transporting or dispensing any liquor in violation of Subsection (5), Section 17, Article I of this Act.

"(20) That the permittee is residually domiciled with any person who has financial interest in any establishment engaged in the business of selling beer at retail other than an interest in a mixed beverage establishment or as provided in Section 23(a)(5), and Section 17(1) of Article I of this Act.

"(21) That the permittee is residually domiciled with any person whose permit or license has been cancelled for cause within twelve (12) months next preceding the date of application.

"(22) That the permittee, his agent, servant, or employee sold, offered for sale, distributed, or delivered any alcoholic beverage during any period of suspension of his permit by the Commission or Administrator.

"(23) That the permittee is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application; provided, however, this Paragraph (23) shall not apply to any person who has been issued a permit or a renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States.

"(24) That the permittee has been finally convicted of a felony during

the period he is the holder of any permit or renewal thereof.

"(25) That the permittee, his agent, servant, or employee permitted any intoxicated person to remain on the premises.

"(26) That the retail permittee, his agent, servant, or employee, sold or delivered any liquor between 9:00 p.m. of any day and 10:00 a.m. of the following day, except as permitted in Section 25 of this Article.

"(27) That the permittee, his agent, servant, or employee permitted any person to open any container or to possess any open container of alcoholic beverage on the licensed premises unless a Mixed Beverage Permit has been issued for the premises.

"(28) Where the word 'permittee' is used in this section it also means and includes each member of a partnership or association and each officer and the owner or owners of the majority of the corporate stock of a corporation, except as provided in Section 23(a)(5) and Section 17(1) of Article I of this Act.

"(29) In addition to the causes for cancellation or suspension hereinbefore set out, the Commission or Administrator may cancel or suspend the permit of any person upon satisfactory proof that the permittee has been finally convicted of any penal provisions of this Act."

Sec. 7. Subsection (a), Section 13, Article I, Texas Liquor Control Act (Article 666-13, Vernon's Texas Penal Code), as amended, is amended to read as follows:

"(a) All permits issued under this Act expire one year from the date of issue."

"(20) That the permittee is residually domiciled with any person who has financial interest in any establishment engaged in the business of selling beer at retail other than an interest in a mixed beverage establishment or as provided in Section 23(a)(5), and Section 17(1) of Article I of this Act.

"(21) That the permittee is residually domiciled with any person whose permit or license has been cancelled for cause within twelve (12) months next preceding the date of application.

"(22) That the permittee, his agent, servant, or employee sold, offered for sale, distributed, or delivered any

alcoholic beverage during any period of suspension of his permit by the Commission or Administrator.

"(23) That the permittee is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application; provided, however, this Paragraph (23) shall not apply to any person who has been issued a permit or a renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States.

"(24) That the permittee has been finally convicted of a felony during the period he is the holder of any permit or renewal thereof.

"(25) That the permittee, his agent, servant, or employee permitted any intoxicated person to remain on the premises.

"(26) That the retail permittee, his agent, servant, or employee, sold or delivered any liquor between 9:00 p.m. of any day and 10:00 a.m. of the following day, except as permitted in Section 25 of this Article.

"(27) That the permittee, his agent, servant, or employee permitted any person to open any container or to possess any open container of alcoholic beverage on the licensed premises unless a Mixed Beverage Permit has been issued for the premises.

"(28) Where the word 'permittee' is used in this section it also means and includes each member of a partnership or association and each officer and the owner or owners of the majority of the corporate stock of a corporation, except as provided in Section 23(a)(5) and Section 17(1) of Article I of this Act.

"(29) In addition to the causes for cancellation or suspension hereinbefore set out, the Commission or Administrator may cancel or suspend the permit of any person upon satisfactory proof that the permittee has been finally convicted of any penal provisions of this Act."

Sec. 8. Section 15, Article I, Texas Liquor Control Act, as amended (Article 666-15, Vernon's Texas Penal Code), is amended by adding Subsections (22), (23), (24), and (25) to read as follows:

(22) Mixed Beverage Permit. A Mixed Beverage Permit authorizes the holder to sell mixed beverages from unsealed containers, or from sealed

containers containing no less than one fluid ounce but not more than two fluid ounces, for consumption on the premises for which the permit is issued.

Notwithstanding the limitation set out in this subsection and in Section 20e of Article 1, a Mixed Beverage Permit shall authorize the holder thereof to purchase wine, beer, and malt liquor in a container of any legal size containing alcohol of not more than 21% by volume from the holder of any permit or license which authorizes the holder thereof to sell same for resale, and the Mixed Beverage Permit shall authorize the holder thereof to sell such wine, beer and malt liquor in a container of any legal size for consumption on the premises for which the permit is issued. The annual fee for a Mixed Beverage Permit is Two Thousand Dollars (\$2,000.00) for an original permit, One Thousand Five Hundred Dollars (\$1,500.00) for the first annual renewal, One Thousand Dollars (\$1,000.00) for the second annual renewal, and Five Hundred Dollars (\$500.00) for the third annual and each subsequent annual renewal.

"(23) Daily Temporary Mixed Beverage Permit. (a) The Commission may, in its discretion, issue on a temporary basis a Daily Temporary Mixed Beverage Permit. The fee for the permit is Twenty-five Dollars (\$25) per day.

"(b) The permit authorizes the sale of mixed beverages for consumption on the premises for which the permit is issued and may only be issued to a political party or political association supporting a candidate for public office or a proposed amendment to the State Constitution or other ballot measure, an organization formed for a specific charitable or civic purpose, a fraternal organization in existence for over five years with a regular membership, or a religious organization.

"(c) Distilled spirits sold under a Daily Temporary Mixed Beverage Permit must be purchased from the holder of a Local Distributor's Permit.

"(d) All provisions of this Act applicable to a Mixed Beverage Permit also apply to a Daily Temporary Mixed Beverage Permit, unless there is a special provision to the contrary.

"(e) The requirements which apply to the application and issuance of other permits contained in this Act do not apply to the application and issuance of a Daily Temporary Mixed Beverage Permit. The Commission may adopt such rules and regulations as it determines to be necessary to implement and administer the provisions of this section, including, but not limited to, limitations on the number of times during any calendar year a qualified organization may be issued a license provided for by this section.

"(24) Mixed Beverage Late Hours Permit. A Mixed Beverage Late Hours Permit authorizes the holder to sell mixed beverages on Sunday between the hours of 1 a.m. and 2 a.m. and on any day except Sunday between the hours of 12 midnight and 2 a.m. if the premises covered by the permit are in an area where the sale of mixed beverages during those hours is authorized by this Act. All sections of this Act which apply to a Mixed Beverage Permit also apply to a Mixed Beverage Late Hours Permit. The annual State fee for a Mixed Beverage Late Hours Permit is \$100.

"(25)(a) Caterer's Permit. A Caterer's Permit may only be issued to the holder of a Mixed Beverage Permit. It authorizes the Mixed Beverage Permittee to sell mixed beverages on a temporary basis at a place other than the premises for which the Mixed Beverage Permit is issued, but only in an area where the sale of such beverages has been authorized by a local option election.

"(b) The provisions of this Act which apply to the application and issuance of other permits do not apply to the application and issuance of a Caterer's Permit. The restrictions and regulations which apply to the sale of mixed beverages on the licensed premises also apply to the sale under the authority of a Caterer's Permit, and any act which is prohibited on the licensed premises is also prohibited when the permittee is operating other than on the licensed premises under a Caterer's Permit. Any act which, if done on the licensed premises would be a ground for cancellation or suspension of the Mixed Beverage Permit, is a ground for cancellation of both the Mixed Beverage Permit and the Caterer's Permit if done when the permittee is operating away from the

licensed premises under the authority of a Caterer's Permit.

"(c) A Caterer's Permit is auxiliary to the primary Mixed Beverage Permit held by the permittee. All receipts from the sale of mixed beverages under the authority of the Caterer's Permit shall be treated for tax purposes as if they were made under the authority of the primary permit. If the primary permit ceases to be valid for any reason, the Caterer's Permit ceases to be valid. All provisions of this Act applicable to the primary permit not inconsistent with this subsection apply to a Caterer's Permit.

"(d) The Commission shall adopt rules and regulations governing the application, issuance, and use of Caterer's Permits.

"(e) The annual fee for a Caterer's Permit is \$250."

Sec. 9. Article I, Texas Liquor Control Act, as amended (Articles 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 58, to read as follows:

"Section 58. (a) A mixed beverage permit held by a corporation may not be renewed if the Commission or Administrator finds that control of the corporation has substantially changed since the time the original permit was issued. A substantial change of control has occurred if, by the transfer of the ownership of stock or by any other means, there has been a substantial change as to the person or persons having effective control of the corporation.

"(b) The Commission or Administrator may adopt reasonable rules and regulations in accordance with the provisions of this section.

"(c) A corporation which is barred from renewing a permit because of this section may file an application for an original permit and may be issued an original permit if otherwise qualified.

"(d) This section does not apply to a change in corporate control brought about by the death of a shareholder if his surviving spouse or descendants are his successors in interest."

Sec. 10. Section 15(a), Article I, Texas Liquor Control Act, as amended (Article 666-15a1, Vernon's Texas Penal Code), is amended to read as follows:

"Section 15(a). Except as to Agent's Industrial, Carrier's, Private

Carrier's, Local Cartage, and Storage Permits, and as to such Wine and Beer Retailer's Permits as shall be issued to operators of dining, buffet, or club cars, and Class B Winery Permits, and except as to Mixed Beverage Permits during the first, second and third years of their existence, the Commissioners Court of each county in this State shall have the power to levy and collect from every person that may be issued a permit hereunder in said county a fee equal to one-half ($\frac{1}{2}$) of the State fee; and the city or town wherein the licensed premises are located shall have the power to levy and collect a fee not to exceed one-half ($\frac{1}{2}$) of the State fee, but no other fee or tax shall be levied by either. Nothing herein contained shall be construed as preventing the levying, assessing, and collecting of general ad valorem taxes on the property of said persons. The Commission or Administrator may cancel the permit, or any renewal thereof, of any person upon finding that the permittee has not paid any fee levied by the county or city as provided in this section. All permits shall be displayed in a conspicuous place at all times on the licensed premises. Any permittee or licensee who engages in the sale of any alcoholic beverage without having first paid the fees which may have been levied by the county or city as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200). Nothing herein shall be construed as a grant to any subdivision of any power or authority to regulate licensees or permittees hereunder, save and except the collection of the fees herein authorized, and save and except any power or authority to regulate as granted elsewhere in the Texas Liquor Control Act.

Sec. 11. Subsection (5), Section 17, Article I, Texas Liquor Control Act, as amended (Article 666-17, Vernon's Texas Penal Code), is amended to read as follows:

"(5)(a) It shall be unlawful for any person to employ anyone under twenty-one (21) years of age to sell, handle, transport, or dispense or to assist in selling, handling, transporting or dispensing any liquor, except malt liquor and ale, which employees

shall be at least eighteen (18) years of age; provided further that any person eighteen (18) years of age or over may be employed by the holder of any type of Wholesaler's Permit to work in any capacity, except as the holder of an agent's permit, either on or off the licensed premises; and provided further, that any person sixteen (16) years of age or over may be employed by the holder of a Wine Only Package Store Permit to work in any capacity on the licensed premises. Except as to the age of employees, the holder of a Wine Only Package Store Permit shall be subject to all other restrictions and penalties set out in Section 17(b) of Article I of the Texas Liquor Control Act which are applicable to the holder of a package store permit.

"(b) The provisions of Subdivision (a) of this subsection do not apply to the holder of a Mixed Beverage Permit. The holder of a Mixed Beverage Permit may not employ any person under the age of 21 in the actual mixing, preparing, selling, dispensing, or serving of mixed beverages. Employees not involved in the actual mixing, selling, preparing, dispensing, or serving of mixed beverages may be under the age of 21."

Section 12. Subsection (15), Section 17, Article I, Texas Liquor Control Act, as amended (Article 666-17, Vernon's Texas Penal Code), is amended to read as follows:

"(15) Except as required to supply the needs of Airline Beverage Permittees or Mixed Beverage Permittees as authorized under this Act, it shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the container of which contains less than one-half ($\frac{1}{2}$) pint; provided, however, that in the case of malt or vinous liquor a six (6) ounce container shall be the minimum; provided further than any bona fide common carrier of persons, engaged in interstate commerce, may be authorized by the Commission to transport liquor in containers of less than one-half ($\frac{1}{2}$) pint but not for sale, use or consumption in Texas. The prohibitions contained herein shall not apply to any licensee or permittee under this Act when engaged in supplying the needs of Airline Beverage Permittees or Mixed Beverage Permittees, and shall not

apply to the possession or sale by Airline Beverage Permittees or Mixed Beverage Permittees as authorized elsewhere in this Act; provided, however, in no event shall any container of liquor contain any less than one fluid ounce.

"The Commission may adopt such reasonable regulations as may be necessary to give effect to the above provision."

Sec. 13. Subsection (35), Section 17, Article I, Texas Liquor Control Act, as amended (Article 666-17, Vernon's Texas Penal Code), is amended to read as follows:

"(35) It shall be unlawful for the holder of a Brewer's, Distiller's, Class A Winery, Class B Winery, Rectifier's, Wholesaler's, Class B Wholesaler's, or Wine Bottler's Permit, directly or indirectly, or through a subsidiary or affiliate, any agent or any employee, or by any officer, director or firm member, to own any interest of any kind in the premises of a Package Store, Wine Only Package Store, or Mixed Beverage Permittee, or any interest of any kind in the premises in which any such Package Store, Wine Only Package Store, or Mixed Beverage Permittee conducts its business."

"It shall be unlawful for any person who owns or has an interest in the business of a Distiller, Brewer, Rectifier, Wholesaler, Class B Wholesaler, Class A Winery, Class B Winery, Wine Bottler, Local Distributor's Permit or any agent, servant or employee: (a) to own or have an interest directly or indirectly in the business, premises, equipment or fixtures of any Mixed Beverage Permit; (b) to furnish, give or lend any money or service or other thing of value, or to guarantee the fulfillment of any financial obligation of any Mixed Beverage Permittee; (c) to make or offer to enter into an agreement, condition, or system, the effect of which will amount to the shipment and delivery of alcoholic beverages on consignment; (d) to furnish, give, rent, lend, or sell to any Mixed Beverage Permittee any equipment, fixtures, or supplies to be used in the selling or dispensing of alcoholic beverages; (e) to pay or make any allowances to any Mixed Beverage Permittee for a special advertising or distributing service, or to allow any excessive discounts; (f) to offer any prize, premi-

um, gift or other similar inducement, other than to the extent authorized by Section 17(3)(g) of this Article I, to any Mixed Beverage Permittee or the agent, servant, or employee thereof or to advertise in the convention program or sponsor a function at a meeting or convention of any corporate trade association of holders of Mixed Beverage Permits. Provided, however, nothing in this Subsection (f) shall apply to any trade association incorporated prior to 1950."

Sec. 14. Subsection (37), Section 17, Article I, Texas Liquor Control Act, as amended (Article 666-17, Vernon's Texas Penal Code), is amended to read as follows:

"(37) It shall be unlawful for any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor to sell any liquor, nor shall any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee, or other retailer purchase any liquor, except for cash or on terms requiring payment by the purchaser as follows: on purchases made from the first to the fifteenth day inclusive of each calendar month, payment must be made on or before the twenty-fifth day of the same calendar month; and, on purchases made from the sixteenth to the last day inclusive of each calendar month, payment must be made on or before the tenth day of the succeeding calendar month. Every delivery of liquor must be accompanied by an invoice of sale giving the date of purchase of such liquor. In the event any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer becomes delinquent in the payment of any account due for liquor purchased (that is, if he fails to make full payment on or before the date hereinbefore provided) then it shall be the duty of the wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor to report that fact immediately to the Commission or the Administrator in writing. Any private store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer who becomes delinquent shall not be permitted to purchase liquor from any wholesaler, Class B wholesaler, Class A winery, wine bottler or local

distributor until said delinquent account is paid in full, and the delinquent account shall be cleared from the records of the Commission before any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor will be permitted to sell liquor to him. Any wholesaler, Class B wholesaler, Class A winery, wine bottler or local distributor who accepts post-dated checks, notes, or memoranda or who participates in any scheme, trick, or device to assist any package store permittee, wine only package store permittee, private club permittee, mixed beverage permittee or other retail dealer in the violation of this Section shall likewise be guilty of a violation of this Section. The Commission shall have the power and it shall be its duty to adopt rules and regulations giving full force and effect to this Section. Any sales of malt beverages to the holder of a Mixed Beverage Permit or a Daily Temporary Mixed Beverage Permit by any holder of a license under Article II of the Texas Liquor Control Act or the holder of a Local Distributors Permit which authorizes sales to any licensee or permittee for resale shall be subject to the provisions of Section 24 $\frac{1}{4}$ and Section 19-C of Article II of the Texas Liquor Control Act."

Sec. 15. Article I, Texas Liquor Control Act, as amended (Article 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 20e, to read as follows:

"Section 20e. All distilled spirits sold by a Mixed Beverage Permittee or a Private Club Permittee must be purchased in this State from a holder of a Local Distributor's Permit. No local distributor may sell distilled spirits to a Mixed Beverage Permittee or a Private Club Permittee in individual containers containing less than one fluid ounce. No local distributor may deliver less than two and four-tenths gallons of distilled spirits in a single shipment.

"The Commission or Administrator is authorized to issue Local Distributor's Permits only to holders of Package Store Permits issued under the terms of Section 15(8) of Article I of the Texas Liquor Control Act. A Local Distributor's Permit shall authorize the holder thereof to purchase distilled spirits or liquor from holders of Wholesaler's Permits issued

under the terms of Section 15(6) of Article I of the Texas Liquor Control Act, only and to sell and distribute to Mixed Beverage Permittees or Private Club Permittees such brands of distilled spirits, liquor, and other alcoholic beverages as are for general distribution and are available from the wholesaler to all local distributors. The fee for a Local Distributor Permit shall be in the amount of Fifty Dollars (\$50) and shall be paid in addition to, and under the same conditions as, the fee paid for the holder's Package Store Permit. Any holder or any agent of a holder of a Wholesaler's Permit issued under the terms of Section 15(6) of this Article I may enter the licensed premises of a Mixed Beverage Permittee or a Private Club Permittee for the purpose of determining the brands offered for sale and suggesting or promoting to the extent authorized by Section 17(3)(g) of this Article I, the sale of other brands; provided, however, that no holder and no agent of a holder of a Section 15(6) Wholesaler's Permit shall be authorized to accept a direct order from a Mixed Beverage Permittee other than a direct order for wine or malt liquor.

"No holder of a Nonresident Seller's Permit or a Manufacturer's Agent's Permit issued under Section 15 $\frac{1}{2}$ of this Article I, shall, unless accompanied by the holder or the agent of a holder of a Wholesaler's Permit, solicit any business directly or indirectly, from a Mixed Beverage Permittee or a Private Club Permittee.

"Where a Mixed Beverage Permittee or a Private Club Permittee is in an area where there are no local distributors, the holder of a Mixed Beverage Permit or a Private Club Permit shall be empowered to purchase alcoholic beverages in the nearest area where local distributors are located and transport same to the premises of the Mixed Beverage Permittee or Club; provided the permittee transporting such alcoholic beverages is also a holder of a Beverage Cartage Permit, and provided that such transporter shall acquire such alcoholic beverages only on the written order from the holder of a Mixed Beverage Permit or officer or manager of the Club and any such alcoholic beverages must be accompanied by a written statement furnished and

signed by a local distributor, showing the name and address of the consignee and consignor, the origin and destination of such shipment, and such other information as may be required by the Commission or Administrator; and it shall be the duty of the person in charge of such alcoholic beverages while they are being so transported to exhibit such written statement to any representative of the Commission or any peace officer making demand therefor, and such statement shall be accepted by such representative or officer as prima facie evidence of the lawful right to transport such alcoholic beverages.

"The Commission is hereby authorized to issue a Beverage Cartage Permit to the holder of a Mixed Beverage Permit or a Private Club Permit to transport alcoholic beverages to the licensed premises from the place of purchase. The holder of a Beverage Cartage Permit shall be privileged to transfer alcoholic beverages as herein provided. The annual State fee for a Beverage Cartage Permit shall be ten dollars (\$10.00).

"Notwithstanding any other provision of this Act, the holder of a Local Distributor's Permit may sell to holders of Mixed Beverage Permits distilled spirits, wine and vinous liquor in containers containing not less than one ounce but not more than two ounces, as well as any other container authorized by the Texas Liquor Control Act. Holders of Wholesaler's Permits may import, sell, offer for sale, or possess for purpose of resale to holders of Local Distributor's Permits, or as permitted in Section 15(21) of this Article I, distilled spirits, wine and vinous liquor in containers containing not less than one ounce but not more than two ounces, as well as any other container authorized by the Texas Liquor Control Act.

"Notwithstanding any other provision of this Act, the holder of a Mixed Beverage Permit, the holder of a Daily Temporary Mixed Beverage Permit, the holder of a Caterer's Permit, or the holder of a Mixed Beverage Late Hours Permit, may sell, offer for sale, and possess for purpose of resale, for consumption on the premises where served or sold, any alcoholic beverage in an unsealed container, or in a sealed container of any legal size.

"Notwithstanding any other provision of this Act, the holder of a private club registration permit may serve, for consumption on the premises, any alcoholic beverage in an unsealed container or in a sealed container of any legal size."

Sec. 16. Article I, Texas Liquor Control Act, as amended (Articles 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 20b, to read as follows:

"Section 20b. (a) No Mixed Beverage Permittee may refill with any substance a container which contained distilled spirits on which the tax prescribed in Section 21, Article I, of this Act has been paid.

"(b) A Mixed Beverage Permittee or any person employed by the permittee who empties a bottle containing distilled spirits on which the tax prescribed in Section 21, Article I, of this Act has been paid, shall immediately after emptying the bottle destroy it. A bottle is considered destroyed if it is no longer capable of containing any liquid.

"(c) Every Mixed Beverage Permittee shall provide at all service counters where distilled spirits are poured from bottles the necessary facilities for the destruction of bottles so that persons emptying distilled spirits bottles may immediately destroy them.

"(d) Any Mixed Beverage Permittee, his officer, agent, or employee, who is found in possession of an emptied distilled spirits bottle which contained distilled spirits on which the tax prescribed in Section 21, Article I, of this Act has been paid, which has not been destroyed is guilty of a separate violation of this section for each bottle.

"(e) An empty distilled spirits bottle which has locked on it an automatic measuring and dispensing device of a type approved by the Administrator or Commission, so as to prevent the refilling of the bottle without unlocking and removing the device from the bottle, is not required to be destroyed as required in Subsections (a) through (d) of this section, but shall be destroyed immediately upon the unlocking and removal of the device. Subsection (d) of this section does not apply to the possession of an empty distilled spirits bottle until the device has been unlocked and removed from the bottle.

"(f) No holder of a Mixed Beverage Permit shall sell any alcoholic beverage to any other holder of a Mixed Beverage Permit or to any other person, except for consumption on the licensed premises of the selling permit holder.

"(g) No holder of a Mixed Beverage Permit shall permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold."

Sec. 17. Article I, Texas Liquor Control Act, as amended, is amended by adding a new Section 20c, to read as follows:

"Section 20c. (a) No holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased. A person who violates this section is punishable, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000) or by confinement in the county jail for no more than thirty (30) days or by both. The Commission or Administrator may, after notice and hearing, suspend for a period of up to sixty (60) days, or cancel, the permit of any permittee it finds to have violated this subsection.

"(b) No holder of a Mixed Beverage permit, may sell or deliver any or employee of a holder, may knowingly possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice conforming with the requirements specified in Subsection (a) of this Section 20c. A person who violates this subsection is punishable by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000) and by confinement in the county jail for not less than thirty (30) days nor more than two (2) years. The Commission or Administrator shall cancel the permit of any permittee convicted of violating this subsection or found by the Commission or Administrator, after notice of hearing, to have violated this subsection."

Sec. 18. Subsection (5), Section 23(a), Texas Liquor Control Act, as amended (Article 666-23a, Vernon's

Texas Penal Code, is amended to read as follows:

"(5) It is further provided that any bona fide hotel shall be authorized to hold a Package Store Permit and a Mixed Beverage Permit as well as a Wine and Beer Retailer's Permit and a Beer Retailer's License provided such businesses are completely and wholly segregated from each other. The Board is authorized to adopt rules and regulations to enforce this provision. It is further provided that a hotel holding a Package Store Permit may deliver liquor at retail in unbroken packages to the rooms of bona fide guests of such hotel for consumption in such rooms."

Sec. 19. Section 25, Article I, Texas Liquor Control Act, as amended (Article 666-25, Vernon's Texas Penal Code), is amended to read as follows:

"Section 25 (a) No person, except a person selling alcoholic beverages under the authority of a Mixed Beverage Permit, may sell or deliver any liquor:

"(1) Between 9:00 o'clock p.m. of any day and 10:00 o'clock a.m. of the following day of any day except Sunday, provided, however, that nothing in this section shall prevent a wholesaler from making sales and deliveries to retailers between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m. Provided further, that any person holding more than one Package Store Permit shall be privileged to transfer alcoholic beverages between any of his licensed premises in the same county under such rules and regulations as may be prescribed by the Commission, at any time between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m. on any day when the sale of such alcoholic beverage is legal, provided that he be the holder of a Local Cartage Permit.

"(2) On Christmas Day.

"(3) On Sunday.

"(b) No person in a county of 300,000 or more population, according to the last preceding federal census, may sell or offer for sale any mixed beverage on Sunday at any time between the hours of 2 a.m. and 12 Noon or on any day other than Sunday at any time between the hours of 2 a.m. and 7 a.m.

"(c) No person in a county not having a population of 300,000 or more, according to the last preceding fed-

eral census, may sell or offer for sale any mixed beverage on Sunday at any time between the hours of 1 a.m. and 12 noon or on any day other than Sunday at any time between the hours of 12 midnight and 7 a.m.

"(d) Regardless of the provisions of Subsections (a) and (b) of this section, the Commissioners Court of any county under 300,000 population, according to the last preceding federal census, may by order adopt for the unincorporated areas of that county the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding federal census, during which the sale or offering for sale of mixed beverages is made unlawful; and the governing body of any incorporated city or town in any county under 300,000 population, according to the last preceding federal census, may by ordinance adopt the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding federal census, during which the sale or offering for sale of mixed beverages is made unlawful; violation of a Commissioners Court order or a city ordinance made under this subsection is punishable as a violation of this Act.

"(e) No person may sell or offer for sale any mixed beverage on Sunday between the hours of 1 a.m. and 2 a.m., or on any other day between the hours of 12 midnight and 2 a.m. unless he holds a Mixed Beverage Late Hours Permit."

"(f) Notwithstanding any other provision of the Texas Liquor Control Act, as to the holder of a storage permit, airline beverage permit, or in accordance with Sections 21 and 21½ of Article I, no person shall sell, offer for sale or store for the purpose of sale in Texas, any liquor on which the state and federal tax has not been paid, provided, however, that the holder of any permit authorized to transport liquor out of the State may apply to the Commission for a refund of the excise tax on any liquor on which the State tax has been paid upon proper proof that the liquor was sold or disposed of outside the boundaries of the State of Texas."

Sec. 20. Section 40, Article I, Texas Liquor Control Act, as amended (Article 666-40, Vernon's Texas Penal Code), is amended to read as follows:

"Section 40 (a) The Commissioners Court upon petition as herein provided shall, as provided in Section 32, Article I, order local option elections for the purpose of determining whether alcoholic beverages of the various types and alcoholic contents herein provided, shall be legalized or prohibited.

"(b) In areas where any type or classification of alcoholic beverages is prohibited and the issue submitted pertains to legalization of the sale of one or more such prohibited types or classifications, one of the following issues shall be submitted:

"(1) 'For the legal sale of beer for off-premise consumption only' and 'Against the legal sale of beer for off-premise consumption only.'

"(2) 'For the legal sale of beer' and 'Against the legal sale of beer.'

"(3) 'For the legal sale of beer and wine for off-premise consumption only' and 'Against the legal sale of beer and wine for off-premise consumption only.'

"(4) 'For the legal sale of beer and wine' and 'Against the legal sale of beer and wine.'

"(5) 'For the legal sale of all alcoholic beverages for off-premise consumption only' and 'Against the legal sale of all alcoholic beverages for off-premise consumption only.'

"(6) 'For the legal sale of all alcoholic beverages except mixed beverages' and 'Against the legal sale of all alcoholic beverages except mixed beverages.'

"(7) 'For the legal sale of all alcoholic beverages including mixed beverages' and 'Against the legal sale of all alcoholic beverages including mixed beverages.'

"(8) 'For the legal sale of mixed beverages' and 'Against the legal sale of mixed beverages.'

"(c) In areas where the sale of all alcoholic beverages including mixed beverages has been legalized, one of the following issues shall be submitted in any prohibitory election:

"(1) 'For the legal sale of beer for off-premise consumption only' and 'Against the legal sale of beer for off-premise consumption only.'

"(2) 'For the legal sale of beer' and 'Against the legal sale of beer.'

"(3) 'For the legal sale of beer and wine for off-premise consumption

only' and 'Against the legal sale of beer and wine for off-premise consumption only.'

"(4) 'For the legal sale of beer and wine' and 'Against the legal sale of beer and wine.'

"(5) 'For the legal sale of all alcoholic beverages for off-premise consumption only' and 'Against the legal sale of all alcoholic beverages for off-premise consumption only.'

"(6) 'For the legal sale of all alcoholic beverages except mixed beverages' and 'Against the legal sale of all alcoholic beverages except mixed beverages.'

"(7) 'For the legal sale of all alcoholic beverages including mixed beverages' and 'Against the legal sale of all alcoholic beverages including mixed beverages.'

"(8) 'For the legal sale of mixed beverages' and 'Against the legal sale of mixed beverages.'

"(d) In areas where the sale of all alcoholic beverages except mixed beverages has been legalized one of the following issues shall be submitted in any prohibitory elections:

"(1) 'For the legal sale of beer for off-premise consumption only' and 'Against the legal sale of beer for off-premise consumption only.'

"(2) 'For the legal sale of beer' and 'Against the legal sale of beer.'

"(3) 'For the legal sale of beer and wine for off-premise consumption only' and 'Against the legal sale of beer and wine for off-premise consumption only.'

"(4) 'For the legal sale of beer and wine' and 'Against the legal sale of beer and wine.'

"(5) 'For the legal sale of all alcoholic beverages for off-premise consumption only' and 'Against the legal sale of all alcoholic beverages for off-premise consumption only.'

"(6) 'For the legal sale of all alcoholic beverages except mixed beverages' and 'Against the legal sale of all alcoholic beverages except mixed beverages.'

"(e) In areas where the sale of beverages containing alcohol not in excess of fourteen per centum (14%) by volume has been legalized, and those of higher alcoholic content are prohibited, one of the following issues shall be submitted in any prohibitory election:

"(1) 'For the legal sale of beer for off-premise consumption only' and

'Against the legal sale of beer for off-premise consumption only.'

"(2) 'For the legal sale of beer' and 'Against the legal sale of beer.'

"(3) 'For the legal sale of beer and wine for off-premise consumption only' and 'Against the legal sale of beer and wine for off-premise consumption only.'

"(4) 'For the legal sale of beer and wine' and 'Against the legal sale of beer and wine.'

"(f) In areas where the sale of beer containing alcohol not exceeding four per centum (4%) by weight has been legalized, and all other alcoholic beverages are prohibited, one of the following issues shall be submitted in any prohibitory election:

"(1) 'For the legal sale of beer for off-premise consumption only' and 'Against the legal sale of beer for off-premise consumption only.'

"(2) 'For the legal sale of beer' and 'Against the legal sale of beer.'

"(g) Wine, as referred to in Paragraphs (3) and (4) of Subsection (b) of this section, Paragraphs (3) and (4) of Subsection (c) of this section, Paragraphs (3) and (4) of Subsection (d) of this section, and in Paragraphs (3) and (4) of Subsection (e) of this section, means and includes malt and vinous beverages that do not contain alcohol in excess of fourteen per centum (14%) by volume.

"(h) Vinous and malt liquor, containing not more than fourteen per centum (14%) alcohol by volume, and beer, which are sold or dispensed to the public in unbroken, sealed and individual containers are hereby declared to be a separate and distinct type and kind of alcoholic beverage and where the sale of alcoholic beverages has been legalized for off-premise consumption only, the sale or consumption of any other type or kind of alcoholic beverages on the licensed premises shall be unlawful.

"(i) No local option election may affect the sale of mixed beverages unless the proposition specifically mentions mixed beverages. In any legalization or prohibitory local option election where any shade or aspect of the issue submitted involves the sale of mixed beverages, any other type or classification of alcoholic beverages which was legalized prior to such election shall remain legalized without re-

gard to the outcome of said election on the question of mixed beverages."

Section 21. Article I, Texas Liquor Control Act, as amended (Article 666, Vernon's Texas Penal Code) is hereby amended by the addition thereto of a new section to be known as Section 40-B, such new section to read as follows:

"Section 40-B. In order to qualify under the terms of this Act to hold a local option election to legalize or prohibit the sale of liquor as authorized under Section 40 of Article I of the Texas Liquor Control Act, any qualified political subdivision holding such election must have been in existence for at least eighteen (18) months. Such political subdivision, to qualify hereunder, shall include substantially all of the area encompassed by such subdivision at the time of its creation and may include any and all other areas legally annexed by or added to such subdivision since its creation. These restrictions shall not apply to any city or town that was incorporated prior to December 1, 1971.

Sec. 22. Section 49, Article I, Texas Liquor Control Act, as added (Article 666-49a, Vernon's Texas Penal Code), is amended to read as follows:

"Section 49. The Commission or Administrator shall have the power and authority to suspend for a length of time not exceeding thirty (30) days any retail Package Store Permit, Mixed Beverages Permit, Wine Only Package Store Permit, or Medicinal Permit upon ascertaining that any act constituting a breach of the peace has occurred upon the premises covered by the permit of such retail dealer or under his control, and at the expiration of the period for which such permit has been suspended the Commission or Administrator may further suspend or cancel the permit unless it shall have been shown to the satisfaction of the Commission or Administrator that the act was beyond the control of the person holding the permit and did not result from improper supervision by the permittee of the conduct of persons permitted by him to be on the licensed premise or premises under his control."

Sec. 23. Article II, Texas Liquor Control Act, as amended (Article 667-1 through 667-33, Vernon's Texas Penal Code), is amended by adding a new Section 24-B, to read as follows:

"Section 24-B. The provisions of

this Act applicable to outdoor advertising and advertising in or on the premises do not apply to establishments for which a Mixed Beverage Permit has been issued. The Commission or Administrator shall promulgate reasonable rules and regulations relating to such advertising, and violation of those rules and regulations is a violation of this Act."

Sec. 24. Section 14, Article II, Texas Liquor Control Act, as amended (Article 667-14, Vernon's Texas Penal Code), is repealed.

Sec. 25. Subsection 7, Section 15 (e), Article I, Texas Liquor Control Act, as amended (Article 666-15(e), Vernon's Texas Penal Code), is amended to read as follows:

"7. The Commission or Administrator may cancel or suspend for a period of time not exceeding sixty (60) days, after notice and hearing, any Private Club Registration Permit or any renewal of such Private Club Registration Permit, upon finding that the permittee club has:

"(a) Sold, offered for sale, purchased or held title to any liquor whatsoever so as to constitute an open saloon. The term 'open saloon' as used in this subsection means any place where any alcoholic beverage whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold.

"(b) Refused to allow any authorized agent or representative of the Texas Alcoholic Beverage Commission or any peace officer to come upon the club premises for the purposes of inspecting alcoholic beverages stored on said premises or investigating compliance with this Act or any provision of the Texas Liquor Control Act.

"(c) Refused to furnish the Commission or its agent or representatives when requested any information pertaining to the storage, possession, serving or consumption of alcoholic beverages upon club premises.

"(d) Permitted or allowed any alcoholic beverages stored on club premises to be served or consumed at any place other than on the club premises.

"(e) Failed to maintain an adequate building at the address for

which said Private Club Registration Permit was issued.

"(f) Caused, permitted or allowed any member of a club in a dry area to store any liquor on club premises except under the locker system.

"(g) Caused, permitted or allowed any person to consume or be served any alcoholic beverages on the club premises at any time on Sunday between the hours of 1:15 a.m. and 12:00 noon, or on any other day at any time between the hours of 12:15 a.m. and 7:00 a.m.; provided, however, that a permittee club holding a Private Club Late Hours Permit shall be entitled to cause, permit and allow service and consumption of alcoholic beverages on the club premises during the additional hours authorized by such permit.

"(h) Violated any provision of the Texas Liquor Control Act or this Act."

Sec. 26. Section 13, Article I, Texas Liquor Control Act, as amended (Article 666-13, Vernon's Texas Penal Code), is amended by adding a Subsection (f) to read as follows:

"(f) Notwithstanding any other provision of this Act, if the surviving spouse or surviving descendant of a holder of a Mixed Beverage Permit qualifies as the successor in interest to the permit as provided in Subsection (b) of this section, the descendant or surviving spouse may continue to renew the permit by paying a renewal fee equal to the fee the permittee would be required to pay had he lived."

Sec. 27. In all counties where the sale of all alcoholic beverages has been legalized, and where a majority of the voters in the county in which the wet area is located, at the general election on November 3, 1970, approved the Constitutional Amendment authorizing mixed beverage local option elections, the Secretary of State or the Commissioners' Court shall cause to be printed on a ballot to be voted on at the May 18, 1971, Constitutional Amendment election, in each area now wet for alcoholic beverages, the following local option issue:

"For the legal sale of mixed beverages" and "Against the legal sale of mixed beverages"

If the result of said election is to legalize the sale of mixed beverages, such legalization shall be effective only in the area or areas now wet and shall not affect any area presently dry; and, if the result of any such election is to fail to legalize the sale

of mixed beverages, then the local option status of such area therein shall remain as it was prior to said election, unless later changed by local option election. Votes in said election shall be canvassed in accordance with the provisions of Article I, Section 37, Texas Liquor Control Act; and to the extent applicable, such election shall be conducted in accordance with all other provisions of the Texas Liquor Control Act pertaining to the holding of local option elections, save and except as changed by the provisions of this Section.

Sec. 28. If any provision, part, section, subsection, paragraph, sentence, clause, phrase or word of this Act or the application thereof to any person or circumstance is held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions or application of the Act which can be given effect without the invalid portion or application, and to this end the provisions of this Act are declared to be severable, and the Legislature hereby declares that it would have passed this Act and each provision, part, section, subsection, paragraph, sentence, clause, phrase or word thereof, irrespective of the fact that any provision is declared unconstitutional.

Sec. 29. All laws or parts of law in conflict herewith are hereby repealed.

Sec. 30. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend S. B. 346 on page 31, line 32 of the House Second Printing, by striking the word "Board" and substituting in lieu thereof the word "Commission."

Floor Amendment No. 2

Amend Committee Amendment No. 1 to Senate Bill No. 346 by striking the quoted Subdivision (1) of the quoted Section 11 in Section 4 of the bill and substituting the following:

"(1) That the applicant has been convicted in a court of competent jurisdiction for the violation of any

provision of this Act during the two (2) years next preceding the filing of his application, or that three (3) years has not elapsed since the termination of any sentence, by pardon or otherwise, imposed upon the applicant upon conviction for a felony."

Floor Amendment No. 3

Amend S. B. No. 346, on line 22, page 28 of the Second Printing by striking the word "private" and inserting the word "package."

Floor Amendment No. 4

Amend Committee Amendment No. 1 to S. B. 346, on page 32 of the Second Printing of the bill, by inserting in line 31, immediately preceding the word "as," the word "except."

Floor Amendment No. 5

Amend Committee Amendment No. 1 to S. B. 346, on page 36 of the Second Printing of the bill, by inserting in line 18, immediately preceding the word "and" the following:

"either throughout the entire county or in any portion of such county,"

Floor Amendment No. 6

Amend Committee Amendment No. 1 to Senate Bill 346 by adding a new section properly numbered and reading as follows, and renumber subsequent sections:

Section 28. Subparagraph (4) and (a) thereunder of Section 15½, Article I of the Texas Liquor Control Act (Art. 666-15½ of VAPC as amended in 1943, 48th Regular Session, S. B. 117, ch. 325, Sec. 14, p. 523) are hereby amended so as to hereafter read as follows:

"(4). It shall be unlawful for any person holding a Non-resident Seller's Permit, or for any officer, director, agent or employee thereof, or for any affiliate, whether corporate or by management, direction or control to:

"(a). Hold or have an interest in the permit, business, assets or corporate stock of any person authorized to import liquor into this State for the purpose of resale; provided that such restrictions shall not apply when the holder is a Texas corporation holding a Manufacturer's License and a Brewer's Permit acquired prior to April 1, 1971; and provided that

such restrictions shall not be applicable to any such interest acquired on or before January 1, 1941."

Floor Amendment No. 7

Amend Committee Amendment No. 1 to Senate Bill No. 346 by adding a Section—to read as follows:

Section——. Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15(e), Vernon's Texas Penal Code), is amended by adding a Subsection 5a to read as follows:

"5a. No Private Club Registration Permit may be issued to a club which does not have at least Fifty (50) members who reside in the county in which the premises of the club are located."

The House amendments were read.

Senator Christie moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—21

Bates	Herring
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Harrington	Snelson
Harris	

Nays—10

Aikin	Sherman
Beckworth	Wallace
Hall	Watson
Hightower	Wilson
Ratliff	Word

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 97, To Committee on Transportation.

H. B. No. 186, To Committee on Education.

H. B. No. 242, To Committee on County, District and Urban Affairs.

H. B. No. 322, To Committee on Environment.

H. B. No. 369, To Committee on Education.

Memorial Resolutions

S. R. No. 1006—By Senator Snelson: Memorial resolution for Mrs. Neva Harrell.

S. R. No. 1007—By Senator Snelson: Memorial resolution for Ralph H. Harris, III.

S. R. No. 1008—By Senator Watson: Memorial resolution for Mrs. Doyle (Melba) Rinewalt.

S. R. No. 1009—By Senator Watson: Memorial resolution for Charles R. Huey.

S. R. No. 1010—By Senator Watson: Memorial resolution for Mrs. Sarah Efsa Waters.

S. R. No. 1011—By Senator Watson: Memorial resolution for Maude Sheppard.

S. R. No. 1012—By Senator Watson: Memorial resolution for Vernon O. Vinson.

S. R. No. 1014—By Senator Watson: Memorial resolution for Mrs. A. B. Wilson.

Welcome and Congratulatory Resolutions

H. C. R. No. 115—Commending Frank E. Medina for his numerous accomplishments and contributions in both private and professional life.

S. R. No. 1013—By Senator Watson: Extending welcome to Mrs. Jeanne Simpson.

S. R. No. 1015—By Senator Harrington: Extending commendation to John F. Ayres for the significant contributions he has made in his career of journalism. (Amended.)

S. R. No. 1016—By Senator Connally: Designating Lucy Annette Poerner as "Honorary Girl Page" of the Senate.

S. R. No. 1017—By Senator Brooks: Extending commendation to the 1970-1971 23-AAAA All-District Girls basketball team.

S. R. No. 1019—By Senator Watson: Extending welcome to Mr. and Mrs. Don Legg.

Adjournment

On motion of Senator Aikin the Senate at 12:00 o'clock M., adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 20, 1971

S. B. No. 676.

S. B. No. 387.

S. B. No. 50.

S. B. No. 97.

S. J. R. No. 20.

FIFTY-EIGHTH DAY

(Wednesday, April 21, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yes-